

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BOARD OF REGENTS OF THE
UNIVERSITY OF NEBRASKA

Plaintiff,

V.

BASF CORPORATION

Defendant,

MONSANTO COMPANY

Intervening Plaintiff,

And

SYNGENTA CROP PROTECTION, INC.

Intervening Defendant.

Case Number 4:04cv3356

ORDER

Pursuant to the parties' Joint Motion to Extend Scheduling Deadlines (Filing No. 378),

IT IS ORDERED:

1. **Completion of Document Production by the University.** The deadline for the University to comply with the Court's Memorandum and Order dated November 5, 2007, and to certify the production of additional documents in accordance with an agreement to be entered into between BASF and the University, is set as March 28, 2008.

2. **Depositions of Fact Witnesses.** The deadline for deposing fact witnesses is extended to April 30, 2008, with respect to depositions that were properly and timely noticed prior to October 12, 2007.

3. **Expert Reports.** The deadlines for exchanging expert disclosures, as required by Fed.R.Civ.P. 26(a)(2) are modified as follows: With respect to expert reports addressing damages, the opening round of expert disclosures by BASF and Syngenta shall be served on or before May 16, 2008; and the second round of expert disclosures by the University shall be served on or before June 6, 2008. With respect to all other issues addressed in expert reports, (a) the opening round of expert disclosures shall be served simultaneously by all parties regardless of their respective burdens of proof on the issues addressed in those reports on or before May 16, 2008; (b) the second round of expert disclosures shall be served simultaneously by all parties on or before June 6, 2008. The parties further suggest that the Court eliminate the period and deadline for a third round of expert disclosures.

4. **Depositions of Expert Witnesses.** The deadline for deposing expert witnesses is set as July 11, 2008.

5. **Motions for Summary Judgment.** The deadline for filing motions for summary judgment is extended to July 25, 2008, for motions on all topics other than the interpretation of written agreements, what intellectual property rights, if any, were successfully transferred between the parties and Sandoz Agro, the validity of the University/Monsanto License and/or claim construction issues.

6. **Final Pretrial Conference.** The final pretrial conference is continued and will be held before the undersigned on **October 30, 2008 beginning at 10:00 a.m.** The court has set aside two hours for this conference.

7. **Trial.** A ten-day, non-jury trial continues to be scheduled to begin on November 12, 2008.

8. **Mediation.** Once the parties have hired a mediator to assist them in resolving this dispute, counsel shall telephone my judicial assistant and advise of the name of the mediator and when the mediation is scheduled.

Dated this 27th day of February, 2008

BY THE COURT

s/ *David L. Piester*

David L. Piester
U.S. Magistrate Judge